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UNITED STATES MAGISTRATE COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,)	No. 3 -05-70548 EMC
)	
Plaintiff,)	[PROPOSED] ORDER AND
)	STIPULATION FOR CONTINUANCE
v.)	FROM SEPTEMBER 2, 2005 TO
)	SEPTEMBER 29, 2005 AND EXCLUDING
ROSSIE HAWKINS,)	TIME FROM THE SPEEDY TRIAL ACT
)	CALCULATION (18 U.S.C. §
Defendant.)	3161(h)(8)(A)) AND WAIVING TIME
)	LIMITS UNDER RULE 5.1

With the agreement of the parties, and with the consent of the defendant, the Court enters this order scheduling an arraignment or preliminary hearing date of September 29, 2005 at 9:30A.M. before the duty magistrate judge, and documenting the defendant's waiver of the preliminary hearing date under Federal Rule of Criminal Procedure 5.1 and the exclusion of time under the Speedy Trial Act, 18 U.S.C. § 3161(b), from September 2, 2005, to September 29, 2005. The parties agree, and the Court finds and holds, as follows:

1. The defendant has been released on his own recognizance.
2. The defendant agrees to an exclusion of time under the Speedy Trial Act, 18 U.S.C. § 3161(h)(8)(B)(iv) to provide continuity of counsel and reasonable time necessary for effective preparation, taking into account the exercise of due diligence.
3. The defendant waives the time limits of Federal Rule of Criminal Procedure 5.1 for

1 preliminary hearing.

2 4. Counsel for the defense believes that postponing the preliminary hearing is in his client's best
3 interest, and that it is not in his client's interest for the United States to indict the case during the normal
4 20-day timeline established in Rule 5.1.

5 5. The Court finds that, taking into account the public interest in the prompt disposition of
6 criminal cases, these grounds are good cause for extending the time limits for a preliminary hearing
7 under Federal Rule of Criminal Procedure 5.1. Given these circumstances, the Court finds that the
8 ends of justice served by excluding the period from September 2, 2005 to September 29, 2005,
9 outweigh the best interest of the public and the defendant in a speedy trial. § 3161(h)(8)(A).

10 6. Accordingly, and with the consent of the defendant, the Court (1) sets a preliminary hearing
11 date before the duty magistrate judge on September 29, 2005, at 9:30A.M., and (2) orders that the
12 period from September 2, 2005 to September 29, 2005 be excluded from the time period for
13 preliminary hearings under Federal Rule of Criminal Procedure 5.1 and from Speedy Trial Act
14 calculations under 18 U.S.C. § 3161(h)(8)(A) & (B)(iv).

15
16 IT IS SO STIPULATED:

17
18 DATED: 9/1/05

/S/ Daniel Blank
DANIEL BLANK
Attorney for Defendant

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20
21 DATED: 9/1/05

/S/ Robert D. Rees
ROBERT DAVID REES
Assistant United States Attorney

22
23
24 IT IS SO ORDERED.

25
26 DATED: September 2, 2005



HON. JOSEPH SPERO
United States Magistrate Judge